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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIROSLAW GORTAT, HENRYK BIENKOWSKI,
GRZEGORZ DRELICH, MIROSLAW FILIPKOWSKI,
ARTUR LAPINSKI, and JAN SWALTEK, on behalf of
themselves and on behalf of all others similarly situated,
Plaintiffs,

NOTICE OF MOTION

– against –

CAPALA BROTHERS, INC., PAWEL CAPALA
and ROBERT CAPALA

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Declaration of Robert Wisniewski, Esq., attorney for the Plaintiffs, dated July 10, 2008, along with Exhibits thereto and on the Memorandum of Points and Authorities in Support of Plaintiffs' Objections to Part of Magistrate Judge Gold's Order, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court for an order:

- (1) Reversing Magistrate Judge Gold's Order insofar as it requires Plaintiffs to produce tax returns or an affidavit regarding their income tax reporting practices.

PLEASE TAKE FURTHER NOTICE that the motion will be heard at the

United States Courthouse- 225 Cadman Plaza East, room #8b South, Brooklyn, NY 11201, in the courtroom of Hon. I. Leo Glasser, at a date and time to be set by the Court. Responsive papers are due no later than a date set by the Court. The parties and their attorneys shall only appear to argue the motion if so directed by the court by order or by individual rule or upon application. Plaintiffs respectfully request such argument.

Dated: New York, New York

July 10, 2008

Respectfully submitted,
/s/

Robert Wisniewski (RW-5308)
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TO:

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